

REMARKS/ARGUMENTS

Claims 1, 2 and 14-20 are present in this application. By this Amendment, claims 1 and 19 have been amended, and claims 3, 5-9 and 11 have been canceled. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claims 1, 2, 19 and 20 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 3,598,263 to Ehmke in view of U.S. Published Patent Application No. 2004/0052627 to Rau et al. and U.S. Published Patent Application No. 2003/0036368 to Higgs. This rejection is respectfully traversed.

With regard to claim 1, without conceding the rejection, claim 1 has been amended to include the subject matter of claim 3, which was indicated as being allowable. Applicants thus submit that the rejection of claims 1 and 2 is moot.

With regard to claim 19, claim 19 has been amended to recite that the step of enabling transferring of control of the attachment between the primary and secondary radio transmitters is performed . . . such that when active, each of the primary and secondary radio transmitters has complete control of the attachment. In contrast with this methodology, Rau discloses primary 60 and secondary 62 controllers mounted in a single location. The primary controller is designed to control operation by direct coordination of controller movement to the position of the boom tip 33 and the hose end 43. Movement of the primary controller 60 defines the position of the boom tip in a cylindrical coordinate system (defining angle from transport position, distance of the boom tip from the center of rotation and height). This input is interpreted by the machine controller, which coordinates all actuators, thereby simplifying the operator's tasks. The secondary controller is used to "customize" and adjust operation to better fit specific job conditions. The exact functionality of the secondary controller is selected via means of a

selection device 82. Those custom modes of operation can include for example - selecting a specific actuator that the operator wants to move, teaching the control system that the operator wants to maintain a specific position of the selected section of the boom (freeze its orientation), selecting machine specific path, etc. After adjustments are completed using the secondary controller 62, the operator can go back to operating the machine using the primary controller 60. In contrast, the respective roles of the primary and secondary radio transmitters in the claimed invention are very different as both can completely control functions of the attachment - i.e., they are functionally equivalent.

On page 4 of the Office Action, the Examiner references the Higgs publication but fails to identify which features of the invention are lacking in Ehmke and Rau and similarly fails to state an obviousness conclusion. As such, Applicants submit that the rejection is *per se* misplaced as failing to establish a *prima facie* case of obviousness.

Higgs describes a remote control system for a locomotive concentrating on algorithm and communication related to managing control signals transferred via radio link. Higgs seems to concentrate on managing two remote controllers that, via radio communication, link transmit both control (operation) and safety related signals from two or more operators. The system utilizes a “first-come-first-serve” rule that decides which controller obtains priority in transferring signals for controlling operation (see paragraph [006]). Signals identified as transmitting safety related commands have equal priority and are executed no matter which controller is commanding control functions.

In contrast with this system, the methodology of the claimed invention enables transferring of control of the attachment between the primary and secondary radio transmitters such that only one of the primary and secondary radio transmitters has control of the attachment

at a time. This “pitch-catch” logic is distinguishable from the priority-type control operation described in Higgs. Moreover, claim 19 has been further amended to recite a step of providing a visual indication of which radio transmitter is in control of the attachment. Since the Higgs system provides for coordinated operation of the controllers, there is in fact no need to provide any such visual indication to the operators. Still further, in a coordinated control system, both controllers may be continuously outputting control signals.

Applicants thus respectfully submit that the rejection of claim 19 is misplaced.

With regard to claim 20, Applicants submit that this claim is allowable at least by virtue of its dependency on an allowable independent claim.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 5 and 11 were rejected under 35 U.S.C. §103(a) over Ehmke in view of U.S. Patent No. 4,460,208 to Hoffman and U.S. Patent No. 4,828,304 to No et al. Additionally, claims 6-9 were rejected under 35 U.S.C. §103(a) on related grounds. Without conceding these rejections, Applicants submit that these rejections are moot in view of the cancellation of claims 5-9 and 11. Withdrawal of the rejections is requested.

Applicants acknowledge with appreciation the indication of allowable subject matter in claim 3 and the indication that claims 14-18 are allowed.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicants’ undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

SMITH et al.
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The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to Deposit Account No. 14-1140.

Respectfully submitted,

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